

Expedited Bill No. 22-21
Concerning: Eating and Drinking
Establishments - Itinerant Food
Service Facilities - Amendments
Revised: 6/24/2021 Draft No. 2
Introduced: June 15, 2021
Enacted: June 29, 2021
Executive: July 9, 2021
Effective: July 9, 2021
Sunset Date: _____
Ch. 18, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Katz

AN EXPEDITED ACT to:

- (1) allow an itinerant food service facility to operate for a temporary period not to exceed 30 days; and
- (2) generally amend the definition of an itinerant food service facility.

By amending

Montgomery County Code
Chapter 15, Eating and Drinking Establishments
Section 15-1
Section 15-8
Section 15-10
Chapter 47, Vendors
Section 47-1

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following
Act:

1 **Sec. 1. Section 15-1 is amended as follows:**

2 **15-1. Definitions.**

3 In this Chapter, the following words and phrases have the following meanings:

4 * * *

5 (i) [[*Itinerant*]] Temporary food service facility:

6 (1) A food service facility operating for a temporary period at a fixed
7 location, not exceeding [14] 30 days, at a fair, carnival, public
8 exhibition, construction project, recreational facility or similar
9 gathering; or

10 (2) Any other food service facility which travels from place to place.

11 Each [[*itinerant*]] temporary food service facility belongs to one of 4
12 classes:

13 Class I: A food service facility operating from a fixed location or a mobile
14 unit which handles, serves, or sells only sealed and prewrapped or
15 prepackaged food or drink in the original sealed container or wrapping,
16 and which does not prepare, wrap, or package any food or drink on the
17 premises or within the mobile unit.

18 Class II: A food service facility operating from a fixed location, which
19 handles, serves, or sells any food or drink, other than in sealed containers
20 or wrappings, or which prepares, packages, or wraps any food or drink
21 on the premises.

22 Class III: A food service facility operating from a mobile unit which
23 handles or sells any food or drink other than in sealed containers or
24 wrappings, or which prepares, packages, or wraps any food or drink
25 within the mobile unit.

26 Class IV: A food service facility operating from a mobile unit which
27 handles or sells sealed, prewrapped, or prepackaged food or drink in the

28 original sealed container or wrapping, and does not prepare, wrap, or
 29 package any food or drink within the mobile unit except coffee or tea.

30 (j) *License:* A document authorizing a food service facility or ~~[[an itinerant]]~~
 31 a temporary food service facility to operate in the County.

32 * * *

33 **Sec. 2. Section 15-8 is amended as follows:**

34 **15-8. License required; ~~[[exemptions]]~~ exemptions; certified manager required.**

35 (a) A person must not operate a food service facility or ~~[[an itinerant]]~~ a
 36 temporary food service facility without a valid license from the director.
 37 A separate license is required for each food service facility or itinerant
 38 food service facility.

39 (b) (1) After January 15, 1989, a licensee must not operate a food service
 40 facility unless at least one employee is a certified food service
 41 manager, or is taking a course that will train the employee to be a
 42 certified food service manager.

43 (2) After July 15, 1989, a licensee must not operate a food service
 44 facility unless the facility is under the immediate control of a
 45 certified food service manager.

46 (3) This requirement does not apply to:
 47 (A) A food service facility where no unwrapped food is handled;
 48 or
 49 (B) A seasonal food service facility in which little or no
 50 potentially hazardous food is prepared, handled or served.

51 (4) This requirement may be applied to ~~[[an itinerant]]~~ a temporary
 52 food service facility at the discretion of the director.

53 (5) The director may postpone or waive this requirement if in unusual
 54 circumstances its application to a particular licensee would result

55 in undue hardship.

56 * * *

57 **Sec. 3. Section 15-10 is amended as follows:**

58 **15-10. Application.**

59 Any person desiring to operate a food service facility or ~~[[itinerant]]~~ temporary
60 food service facility must apply to the director for a license to operate the
61 facility. Each application must be in the form prescribed by the director.

62 * * *

63 **Sec. 4. Section 47-1 is amended as follows:**

64 **47-1. Definitions.**

65 In this Chapter, the following words have the meanings indicated:

66 * * *


67 Food service truck means ~~[[an itinerant]]~~ a temporary food service facility,
68 licensed under Chapter 15, operating from a self-propelled motorized vehicle
69 that is parked or temporarily located where food items are sold from the truck
70 to the general public.

71 * * *

72 **Sec. ~~[[2]]~~ 5. Expedited Effective Date.**

73 The Council declares that this legislation is necessary for the immediate
74 protection of the public interest. This Act takes effect on the date on which it becomes
75 law.

Approved:



Tom Hucker, President, County Council 7/1/2021
Date

Approved:



Marc Elrich, County Executive 7/9/21
Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council 7/12/2021
Date